IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Bail Appl..No. 4235 of 2007()

CRIME NO.228 OF 2007 OF CHANGARANKULAM POLICE STATION

PETITIONER : ACCUSED NO.1:

PRATHEESH, S/O.PRABHAKARAN, 29 YEARS,
KARAYIL HOUSE, NELLAYA AMSOM, PANTHALLUR DESOM.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE

THE STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY DIRECTOR GENERAL OF PROSECUTION SRI.P.G.THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4235 of 2007

Dated this the 23rd day of July, 2007

ORDER

Application for regular bail. The petitioner along with 7 others faces allegations, inter alia, under Section 302 & 396 I.P.C. The crux of the allegations is that the deceased was a carrier of hawala money. He had an amount of Rs.2.45 lakhs in his possession. He travelled in a bus upto Naduvattam and got down there with the alleged intention of delivering an amount of Rs.2.45 lakhs, which he was carrying with him. As he was proceeding to his destination at about 12.20 p.m on 20.05.2007, a Qualis car with 8 passengers reached the scene. The occupants allegedly took away the deceased by use of force. The vehicle sped away. The dead body of the deceased was found abandoned by the side of the highway later. The crime was registered on the basis of the complaint lodged by a person who allegedly had witnessed the occurrence at the point where the deceased was taken away by force. He claimed that he will be able to identify all the 8 accused. Investigation is in progress. The petitioner was arrested on 21.05.07. Accused 2, 3, 4 & 8 have also been arrested by now. The identity of accused 5, 6 & 7 has been ascertained, but they are making themselves scarce and are not available for arrest.

2. The learned counsel for the petitioner submits that the petitioner, who was remained in custody from 21.05.07, may now be directed to be released on bail. There is no clinching material against the petitioner. Further detention now, a period of about 60 days having already elapsed, is unnecessary, unjust and unkind. Subject to appropriate conditions, the petitioner may be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Director General of Prosecution, who has appeared before this Court, opposes the application vehemently. The learned Director General of Prosecution submits that the allegations are serious and grave. The investigation is not complete. Accused 1 to 4 and 8 have already been arrested and they are in custody. Accused 5, 6 & 7 have to be arrested. A test identification parade has got to be conducted. In any view of the matter, this is not a fit case where the petitioner can be enlarged on bail at this early stage, submits the learned Director General of Prosecution.

4. I have considered all the relevant inputs. At this early stage of the proceedings, it is not necessary for this Court to embark on a detailed discussion on the acceptability of the allegations or the credibility of the data collected. Suffice it to say that, I am satisfied that this is not a fit case where the petitioner deserves to be enlarged on bail at this early stage. I need only mention that in coming to this

conclusion, I have taken note of the nature and gravity of the allegations raised, the stage of the investigation, the quantum and quality of the data collected as also the deleterious impact which such a crime creates in the public mind. I have also taken note of the fact that the investigator, in a serious crime like this, is certainly entitled to further time to complete the investigation.

5. This application for regular bail is, in these circumstances, dismissed. The dismissal of this petition will not in any way fetter the rights of the petitioner to seek regular bail later before the Sessions Court or this Court - not, at any rate, prior to 06.08.07. Investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-